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11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 vs.

17 NEWPOINT FINANCIAL SERVICES,
18 INC.; JOHN FARAH; GISSOU
RASTEGAR FARAH; and ELAHEH
AMOUEI,

19 Defendants,

20 and

21 TRIPLE "J" PLUS, LLC,

22 Relief Defendant.

Case No. CV 10-0124 DDP (JEMx)

**STIPULATION AND REQUEST FOR
LIMITED RELIEF FROM ASSET
FREEZE TO PERMIT
APPLICATION OF SPECIFIC
FUNDS PURSUANT TO SECURITY
INTEREST OF BANK LEUMI USA**

1 Whereas, Bank Leumi USA (“Bank Leumi”) claims a perfected security
2 interest in Bank Leumi deposit account xxx-2326, which account is in the names of
3 defendants John Farahi and Gissou Rastegar Farahi;

4 Whereas, said account contains approximately \$40,000, which was pledged
5 as collateral for previously-issued standby letter of credit in the amount of \$40,000;

6 Whereas, the court-appointed Permanent Receiver in this matter
7 (“Receiver”) has reviewed documentation supporting Bank Leumi’s claim, and
8 based upon that review does not assert that the Receivership estate holds any claim
9 to the funds in said account that would be senior to Bank Leumi’s security interest,
10 or that the asset freeze provisions of this Court’s January 8, 2010 Temporary
11 Restraining Order and the subsequent extensions thereof should preclude Bank
12 Leumi from applying the funds in said account to cover payments made and to be
13 made against the letter of credit;

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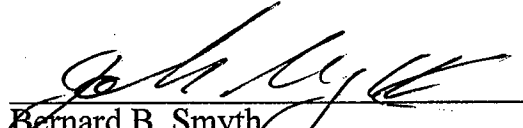
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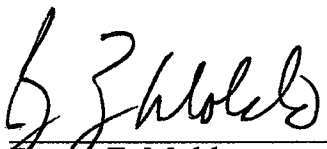
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1 **IT IS HEREBY STIPULATED**, and the Court is requested to order, that
2 Bank Leumi may apply the funds in said deposit account against payments made
3 and to be made against the letter of credit, and that the application of the funds in
4 said deposit account by Bank Leumi against payments made and to be made
5 against the outstanding letter of credit shall not be deemed a violation of the asset
6 freeze provisions of this Court's January 8, 2010 Temporary Restraining Order and
7 the subsequent extensions thereof.

8
9 Dated: February 22, 2010


Bernard B. Smyth
John M. McCoy III
Attorneys for Plaintiff
Securities and Exchange Commission

10
11
12
13 Dated: February 22, 2010


Byron Z. Moldo
Ervin Cohen & Jessup LLP
Attorney for Permanent Receiver
James H. Donell

14
15
16
17 Dated: February __, 2010


Gary O. Caris
McKenna, Long & Aldridge LLP
Attorney for Bank Leumi USA

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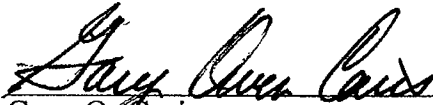
8
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John M. McCoy III
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Securities and Exchange Commission

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Attorney for Permanent Receiver
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17 Dated: February 22, 2010


Gary O. Caris
McKenna, Long & Aldridge LLP
Attorney for Bank Leumi USA

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

☒ U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On February 23, 2010, I caused to be served the document entitled **STIPULATION AND REQUEST FOR LIMITED RELIEF FROM ASSET FREEZE TO PERMIT APPLICATION OF SPECIFIC FUNDS PURSUANT TO SECURITY INTEREST OF BANK LEUMI USA** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **FEDERAL EXPRESS:** By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California.

☒ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

☒ **(Federal)** I declare under penalty of perjury that I am a member of the bar of this Court and that the foregoing is true and correct.

Date: February 23, 2010

/s/ John M. McCoy III
John M. McCoy III

SEC v. NEWPOINT FINANCIAL SERVICES, INC., et al.
United States District Court – Central District of California
Case No. CV 10-0124 DDP (JEMx)
(LA-3663)

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NewPoint Financial Services, Inc., and Relief Defendant Triple "J"
Plus, LLC***

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